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In re Application of
Hamery et al.
Application No. 09/622,245
Filed: August 15, 2000
Attorney Docket No. 11345.020001

OFFICE OF PETITIONS

ON PETITION

This decision concerns the March 16, 2004 "Petition to Revive an Unintentionally Abandoned Application under 37 CFR 1.137(b)."

The petition is **GRANTED**.

On August 26, 2003, a final Office action was mailed, setting forth a 3-month shortened statutory reply period. A proposed amendment (Amendment C) filed on February 19, 2004 along with a 3-month extension of time, as indicated in the March 8, 2004 Advisory Action, did not place the application in condition for allowance and was not entered by the Examiner. The Advisory Action pointed out that the period for responding to the August 26, 2003 final Office Action remained that set forth in that Office action.

Given that no proper reply was filed on or before February 26, 2004, the application became abandoned on February 27, 2004.

The instant petition encloses a Request for Continued Examination (RCE) as reply to the August 26, 2003 final Office Action, an amendment as the RCE "submission" required by 37 CFR 1.114, the \$770 RCE filing fee and the \$1,330 petition fee; and states in essence that the entire delay in filing a proper reply to the August 26, 2003 final Office Action from the due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

The application is hereby revived for establishing continuity with the RCE.

The application file is being returned to Technology Center 2600 for continued examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions